



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

GRANTED IN PART: March 10, 2016

CBCA 3286, 3517, 3573, 3574, 3575

MASCARO CONSTRUCTION COMPANY, L.P.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Michael D. Klein and Ross A. Giorgianni of Blumling & Gusky, LLP, Pittsburgh, PA; Edward J. Sheats of Sheats & Bailey, PLLC, Brewerton, NY; Gregory P. Photiadis and Ryan L. Belka of Duke, Holzman, Photiadis & Gresens, LLP, Buffalo, NY; and Christopher M. Mills of Wiley Rein LLP, Washington, DC, counsel for Appellant.

Lori R. Shapiro and Justin Hawkins, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **SHERIDAN**, **ZISCHKAU**, and **SULLIVAN**.

SHERIDAN, Board Judge.

In these appeals, appellant, Mascaro Construction Company, L.P., appealed decisions of a contracting officer of respondent, General Services Administration (GSA), arising from its contract for construction of the Federal courthouse in Buffalo, New York.

On February 8, 2016, the parties filed a joint motion for stipulated award for the Board to enter a full and final judgment, stating in part that:

7. The parties desired to settle the Claims, Appeals, and any [sic] fully and finally resolve any claims that Mascaro and/or its Subcontractors had or may have had, so the parties entered into the Settlement Agreement.

8. Under the Settlement Agreement, Mascaro shall accept on behalf of itself and its subcontractors, the total sum of \$11,000,000.00 (“**Settlement Amount**”) in full and final settlement of all matters relating to the Contract, including without limitation the Claims and Appeals. To effect payment of the Settlement Amount, the parties agreed to enter into a joint stipulation in which the parties request that the Board enter final judgment in the total sum of \$11,000,000.00. The Settlement Amount is inclusive of any costs, interest, and attorney fees claimed or unclaimed, by Mascaro on behalf of itself and its Subcontractors.

9. Payment of the final judgment amount, that is \$11,000,000.00, is to be made from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2008).

10. Pursuant to Rule 25(b) of the Board’s Rules of Procedure, the parties state that neither party will seek reconsideration of, or relief from, the Board’s decision, and they will not appeal the decision.

Decision

Accordingly, these appeals are **GRANTED IN PART**. In accordance with the parties’ motion, the Board awards the total sum of \$11,000,000 to be paid from the judgment fund. This amount is inclusive of all costs, interest, and attorney fees.

PATRICIA J. SHERIDAN
Board Judge

We concur:

JONATHAN D. ZISCHKAU
Board Judge

MARIAN E. SULLIVAN
Board Judge